

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**SANDRA RODRÍGUEZ-COTTO;**  
**RAFELLI GONZÁLEZ-COTTO**

*Plaintiffs,*

v.

**WANDA VÁZQUEZ-GARCED**, Governor of  
Puerto Rico; **INÉS DEL CARMEN CARRAU**  
**MARTÍNEZ**, Interim Secretary of Justice of Puerto  
Rico; **PEDRO JANER**, Secretary of the Department  
of Public Safety of Puerto Rico; **HENRY**  
**ESCALERA**, Commissioner of the Puerto Rico  
Police Bureau, all in their official capacities

*Defendants.*

CIVIL No. 20-01235 (PAD)

RE: Preliminary and Permanent  
Injunction

**JOINT FACTUAL STIPULATIONS**

**TO THE HONORABLE COURT:**

COME NOW, Plaintiffs and Defendants, through their undersigned attorneys, and very respectfully submit the below stipulation of uncontested facts (the “Stipulation”), in connection with and solely for the purposes of adjudicating Plaintiffs’ renewed preliminary injunction motion, Docket No. 48. Absent agreement of the parties, this Stipulation may not be used or introduced at any subsequent stage of this adversary proceeding, in any other proceeding before this Court, or in any other Court or administrative proceeding.

Nothing in this Stipulation shall constitute a waiver of any party’s right to assert or dispute facts that are not stipulated, including evidence submitted by either party in connection with Plaintiffs’ motion for preliminary injunction. In addition, nothing set forth in this Stipulation shall constitute a waiver of any party’s right to argue that any facts or statements set forth herein are not relevant to Plaintiffs’ motion for preliminary injunction.

Finally, nothing set forth in this Stipulation shall constitute an admission or a waiver of any claim, defense, argument or position of any party, or of the right of any party to dispute, and/or take discovery respecting, the facts set forth herein following the preliminary injunction hearing.

1. On September 18, 2017, a State of Emergency was declared by then-Governor Ricardo Rosselló-Nevares due to the devastation caused by Hurricane María.

2. On January 7, 2020, a State of Emergency was declared by Governor Wanda Vázquez-Garced due to the devastation caused by an earthquake.

3. On March 12, 2020, a State of Emergency was declared by Governor Wanda Vázquez-Garced due to the COVID-19 pandemic.

4. The above-mentioned Executive Orders were issued under the authority of Act No. 20-2017, Art. 6.10.

5. Act No. 20-2017, Art. 6.14 is codified at 25 L.P.R.A. § 3654.

6. Act No. 20-2017, Art. 6.14 was amended by Act No. 35-2020 on April 5, 2020.

7. The Government of Puerto Rico charged Pastor José Luis Rivera Santiago under a prior version of Art. 6.14(a) of Act. No. 20-2017 for allegedly disseminating a false alarm on the messaging platform WhatsApp, in late March.

8. Since March 15, 2020, Governor Vázquez-Garced has issued several executive orders establishing a curfew and a lockdown which restrictions have been modified from time to time. The current executive order that regulates the COVID-19 restrictions is Executive Order OE-2020-60, as extended by Executive Order OE-2020-061.

9. On May 7, 2020, the Court of San Juan dismissed the prosecution against Pastor Rivera Santiago for lack of probable cause.

10. On March 29, 2020, Sandra Rodríguez-Cotto published a story regarding an alleged corruption scheme in the Department of Health in connection with contracts issued during the COVID-19 pandemic. S. Rodríguez-Cotto, *Cabeza en Salud: El esquema de contrataciones en medio de la pandemia de COVID-19*, <https://enblancoynegromedia.blogspot.com/2020/05/sou-mabel-comentario.html> (published on March 29, 2020).

11. On May 5, 2020, Sandra Rodríguez-Cotto published a story regarding a public hearing held by the Puerto Rico House of Representatives in connection with the purchase of COVID-19 rapid tests by the Department of Health. S. Rodríguez-Cotto, *'Sou' Mabel*, <https://enblancoynegromedia.blogspot.com/2020/05/sou-mabel-comentario.html> (published on May 5, 2020).

12. On May 13, 2020, Sandra Rodríguez-Cotto published a story regarding the alleged corruption scheme in the Puerto Rico Department of Health based on e-mails provided by sources from the Department of Health. S. Rodríguez-Cotto, *Se valida el poder de Mabel Cabeza*, <https://enblancoynegromedia.blogspot.com/2020/05/se-valida-el-poder-de-mabel-cabeza.html> (published on May 13, 2020).

13. On May 16, 2020, Sandra Rodríguez-Cotto published a journalistic article in which she denounced the alleged squandering of funds in the Department of Health during the COVID-19 pandemic. S. Rodríguez-Cotto, *Caso AEE: A oscuras por un engreído*, <http://enblancoynegromedia.blogspot.com/2020/05/caso-aee-oscuras-por-un-engreido.html> (published on May 23, 2020).

14. On May 23, 2020, Sandra Rodríguez-Cotto published a story asserting that the Puerto Rico Electric Power Authority was providing erroneous information as to the cause of a

blackout. S. Rodríguez-Cotto, *Caso AEE: A oscuras por un engreído*, <http://enblancoynegromedia.blogspot.com/2020/05/caso-aee-oscuras-por-un-engreido.html> (published on May 23, 2020) (retrieved on June 3, 2020)

15. On May 26, 2020, Sandra Rodríguez-Cotto published a story in which the statistics provided by the Department of Health regarding the COVID-19 pandemic were questioned. S. Rodríguez-Cotto, *Municipios con más peligro por COVID-19*, <https://enblancoynegromedia.blogspot.com/2020/05/municipios-con-mas-peligro-por-covid-19.html> (published on May 26, 2020) (retrieved on June 3, 2020).

16. On June 14, 2020, Sandra Rodríguez-Cotto published a video blog in her Facebook page in which she criticizes the government regarding the COVID-19 pandemic and comments about a possible resurgence of the COVID-19 infection cases. See <https://www.facebook.com/SRCSandraRC/videos/266484387962818>.

17. Before the amendments of Act No. 66-2020 were enacted, Plaintiffs were not prosecuted by the Government of Puerto Rico for violations to Section (a) or (f) of Article 6.14 of Act No. 20-2017.

18. Before the amendments of Act No. 66-2020 were enacted, Plaintiffs were not threatened by the Government of Puerto Rico for violations to Section (a) or (f) of Article 6.14 of Act No. 20-2017.

19. On June 4, 2020, Plaintiffs participated in a public live stream video in which they openly discussed the allegations in the instant complaint with other panelists.

20. On July 13, 2020, Act No. 66-2020 was enacted, substantially amending Section (a) and repealing Section (f) of Act No. 20-2017.

21. Plaintiffs have not been prosecuted by the Government of Puerto Rico for violations to Section (a) of Article 6.14 of Act No. 20-2017, as amended by Act No. 66-2020.

22. Plaintiffs have not been threatened by the Government of Puerto Rico for violations to Section (a) of Article 6.14 of Act No. 20-2017, as amended by Act No. 66-2020.

23. Plaintiffs have published news stories questioning the government management of public funds in the Department of Health during the COVID-19 pandemic and covering the molecular testing of tourists by the Government of Puerto Rico during the current state of emergency due to the COVID-19 pandemic while Section (a) of Act No. 20-2017, as amended by Act No. 66-2020, has been in full effect.

24. Plaintiffs do not intend to transmit false statements in their journalistic or op-ed articles.

25. Sandra Rodríguez-Cotto has reported on the inadequacy of the responses by the U.S. government and the Puerto Rico government to the widespread devastation left by Hurricane María.

26. In 2017, Sandra Rodríguez-Cotto challenged the then-Chief-of-Staff, Ramón Rosario, during an on-air interview about the implausibility of the official death toll of Hurricane María while a State of Emergency was in full force.

27. On July 10, 2019, Plaintiff Rodríguez-Cotto revealed in her blog the first 11 pages of a Telegram chat between the then-Governor Ricardo Rosselló and his aides. Then after she published over 50 more pages of the chat and the articles went viral. Her reporting was picked up by media outlets across the world, including *The New York Times*, *The Guardian*, *Vice*, *MTV*, *Christian Science Monitor*, and many others.

28. Since then-Governor Rosselló resigned, Plaintiff has continued investigating and reporting on alleged irregularities in the Government of Puerto Rico.

29. Plaintiff Rodríguez-Cotto's reporting focuses on the public health emergency caused by the COVID-19 global pandemic and the government's response to that emergency.

30. Plaintiff Sandra Rodríguez-Cotto makes every effort to confirm the accuracy of her reporting and commentary, in accordance with standard journalistic practices.

31. Plaintiff Rafelli González-Cotto participated in the publication of several digital stories related to the Whitefish Energy scandal after Hurricane María.

32. Plaintiff Rafelli González-Cotto has written numerous news articles about the COVID-19 public health emergency, which have been published in different news outlets around the island. His articles have reported on conditions during the public health emergency, as well as the government's emergency and curfew orders.

33. In one article, Plaintiff Rafelli González-Cotto reported that certain companies had received government contracts for "rapid test kits" to detect the presence of COVID-19 antibodies.

34. Plaintiff Rafelli González-Cotto published in collaboration with *NotiCel*, that the case fatality rate published by the Health Department was not calculated in accordance with generally accepted practices. Half an hour after the article was published, the Health Department removed the information from its website.

35. On March 11, 2020, Rafelli González-Cotto published an op-ed column on *El Nuevo Día* challenging the Government's narrative regarding the management of warehouses with supplies during the 2020 earthquake.

36. Rafelli González-Cotto published an article with *NotiCel* about the reopening of businesses during the COVID-19 pandemic. The article was based on information and documentary evidence provided to González-Cotto by an anonymous source.

37. Rafelli González-Cotto continues to engage in investigative reporting focused on the COVID-19 pandemic and the government's response.

38. Rafelli González-Cotto consistently follows standard journalistic practices to factcheck his news stories.

39. On July 26, 2020, Rafelli González-Cotto published a story on his website regarding whether molecular testing on tourists is a priority for the Government of Puerto Rico. See R. González-Cotto, Is COVID-19 molecular testing on tourists a priority in Puerto Rico? (July 26, 2020). Retrieved August 17, 2020, from <https://periodiconuestro.com/author/rgonzalez6085/>.

40. On July 29, 2020, Sandra Rodríguez-Cotto published a story on her blog in which she alleges that the Secretary of Health was using luxury vehicles paid with public funds and allowed a political candidate to use a public vehicle for political campaigning. See S. Rodríguez Cotto, El gasto es en Salud es I-L-I-M-I-T-A-D-O... (July 29, 2020). Retrieved August 12, 2020 from <http://enblancoynegromedia.blogspot.com/2020/07/el-gasto-es-en-salud-es-i-l-i-m-i-t-d-o.html>.

**I HEREBY CERTIFY** that the undersigned attorney electronically filed the foregoing with the Clerk of the Court, which will send notification of such filing to the parties subscribing to the CM/ECF System.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 17<sup>th</sup> day of August 2020.

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